

EXHIBIT E


Nicole Vandewalker

From: Mark R. Suter <msuter@bm.net>
Sent: Tuesday, April 26, 2022 6:52 PM
To: Alyson Beridon; Ben Gastel; Nicole Vandewalker
Subject: FW: Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.

Mark R. Suter / Associate

 215.875.3021  201.647.6525



 1818 MARKET STREET, SUITE 3600
PHILADELPHIA, PA 19103

From: Kaiser, Steven J. <skaiser@cgsh.com>
Sent: Tuesday, February 22, 2022 4:17 PM
To: Mark R. Suter <msuter@bm.net>; Vicky Sims <Vicky@cuneolaw.com>
Cc: 'Baldridge, Adam' <abaldridge@bakerdonelson.com>; mmulqueen@bakerdonelson.com; George Cary <gcary@cgsh.com>; 'alcollins@cgsh.com' <alcollins@cgsh.com>; nberkowitz@bakerdonelson.com; ggarrison@bakerdonelson.com; Eric L. Cramer <ecramer@bm.net>; Michael Kane <mkane@bm.net>; Veronica Bosco <VBosco@labaton.com>; Karen Garvey <KGarvey@labaton.com>; Katie Van Dyck <kvandyck@cuneolaw.com>
Subject: RE: Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.

Mark and Vicky:

Particularly given the distraction of the (frivolous) discovery motions that have been filed recently against Varsity in these cases (including by you and your clients), Plaintiffs lack of diligence in pursuing depositions that are now resulting in packed scheduling, and Plaintiffs' repeated refusals to abide by discovery agreements, Varsity is not in a position to engage in "informal" discovery. I am sure you can understand. (This likewise pertains to Vicky's similar inquiry about data.)

Steven J. Kaiser

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From: Mark R. Suter <msuter@bm.net>
Sent: Friday, February 18, 2022 12:00 PM
To: Vicky Sims <Vicky@cuneolaw.com>; Kaiser, Steven J. <skaiser@cgsh.com>
Cc: 'Baldridge, Adam' <abaldridge@bakerdonelson.com>; mmulqueen@bakerdonelson.com; Cary, George S. <gcary@cgsh.com>; 'alcollins@cgsh.com' <alcollins@cgsh.com>; nberkowitz@bakerdonelson.com;

ggarrison@bakerdonelson.com; Eric L. Cramer <ecramer@bm.net>; Michael Kane <mkane@bm.net>; Veronica Bosco <VBosco@labaton.com>; Karen Garvey <KGarvey@labaton.com>; Katie Van Dyck <kvandyck@cuneolaw.com>

Subject: RE: Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.

Counsel,

Please see attached.

Thanks,

Mark

Mark R. Suter / Associate

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From: Vicky Sims <Vicky@cuneolaw.com>

Sent: Tuesday, February 15, 2022 12:25 PM

To: Kaiser, Steven J. <skaiser@cgsh.com>

Cc: 'Baldridge, Adam' <abaldridge@bakerdonelson.com>; mmulqueen@bakerdonelson.com; George Cary <gcary@cgsh.com>; 'alcollins@cgsh.com' <alcollins@cgsh.com>; nberkowitz@bakerdonelson.com; ggarrison@bakerdonelson.com; Eric L. Cramer <ecramer@bm.net>; Michael Kane <mkane@bm.net>; Mark R. Suter <msuter@bm.net>; Veronica Bosco <VBosco@labaton.com>; Karen Garvey <KGarvey@labaton.com>; Katie Van Dyck <kvandyck@cuneolaw.com>

Subject: RE: Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.

Steve,

You are correct that our June 22, 2021 agreement states that Varsity will respond to Plaintiffs' high-level data-related questions from April 23, 2021. However, that agreement does not state that Varsity will not respond to any further questions regarding its data. Indeed, it would have been impossible for Plaintiffs to compile a full set of data questions before receiving the full data production that Varsity had committed to making in that same agreement. Now that Varsity has produced all of its data, Plaintiffs have analyzed and compiled a list of questions, to which they need responses in order to fully understand Varsity's production.

Please advise when we can expect a response to our letter, or whether a call with our expert would be more convenient.

Thank you.

From: Kaiser, Steven J. <skaiser@cgsh.com>

Sent: Monday, February 14, 2022 5:18 PM

To: Vicky Sims <Vicky@cuneolaw.com>

Cc: 'Baldridge, Adam' <abaldridge@bakerdonelson.com>; mmulqueen@bakerdonelson.com; Cary, George S. <gcary@cgsh.com>; 'alcollins@cgsh.com' <alcollins@cgsh.com>; nberkowitz@bakerdonelson.com; ggarrison@bakerdonelson.com; Eric L. Cramer <ecramer@bm.net>; 'Michael Kane' <mkane@bm.net>; Mark R. Suter <msuter@bm.net>; Veronica Bosco <VBosco@labaton.com>; Karen Garvey <KGarvey@labaton.com>; Katie Van Dyck

<kvandyck@cuneolaw.com>

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Vicky:

The parties had a specific agreement regarding the limits of questions relating to data that Varsity produced. These questions are outside the scope of that agreement.

Steven J. Kaiser

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From: Vicky Sims <Vicky@cuneolaw.com>

Sent: Tuesday, February 1, 2022 4:51 PM

To: Kaiser, Steven J. <skaiser@cgsh.com>

Cc: 'Baldridge, Adam' <abaldridge@bakerdonelson.com>; mmulqueen@bakerdonelson.com; Cary, George S. <gcary@cgsh.com>; 'alcollins@cgsh.com' <alcollins@cgsh.com>; nberkowitz@bakerdonelson.com; ggarrison@bakerdonelson.com; Eric L. Cramer <ecramer@bm.net>; 'Michael Kane' <mkane@bm.net>; Mark R. Suter <msuter@bm.net>; Veronica Bosco <VBosco@labaton.com>; Karen Garvey <KGarvey@labaton.com>; Katie Van Dyck <kvandyck@cuneolaw.com>

Subject: Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.

Counsel,

Please see the attached correspondence.

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